REMARKS

The Final Office Action mailed May 25, 2010, considered and rejected claims 1-7, 9, 10, 12-16, 18-32, 34-36, 44, 45 and 48-50. Claims 44 and 45 were rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claims 1, 4, 5, 6, 9, 12, 44 and 45 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Some claims were rejected under the combination of *Guck* references. Other claims were rejected under the combination of *Guck* references in view of further references.[1]

By this amendment, claims 1, 4-7, 9, 10, 12, 13, 15, 44, and 45 are amended.[2] Claim 2 is cancelled. Accordingly, claims 1, 3-7, 9, 10, 12-16, 18-32, 34-36, 44, 45, and 48-50 are pending, of which claims 1 and 44 are the independent claims.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

As indicated in the last Office Action, *Guck 2* describes on the fly conversion of documents authored in one specific format to be transformed into other formats for display.

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[1]Claims 1-7, 9, 18-22 and 44 were rejected under 35 U.S.C. 102(b) as being anticipated by Guck (US 5,794,039) hereinafter *Guck1*, (where US 5,911,776) hereinafter *Guck2* and (US 5,848,415) hereinafter *Guck3* are each incorporated by reference into *Guck1)*. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of Outlook (Outlook Express EML, Computing.net, December 2002) hereinafter *Outlook*. Claims 23, 24, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of Luzeski (US 6,404,762) hereinafter *Luzeski*, Lee (US 6,212,553) hereinafter *Lee* and Kennedy (US 6,134,582) hereinafter *Kennedy*. Claims 25 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *Luzeski, Lee* and *Kennedy*, further in view of Almond (US 6,112,024) hereinafter *Almond*. Claims 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of RFC 2046 (MIME Part Two: Media Types, November 1996) hereinafter *RFC 2046*. Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *RFC 2046* as applied to claims 26 and 37 above, and further in view of RFC 2017 (Definition of the URL MIME External-Body Access-Type, October 1996) hereinafter *RFC 2017*. Claim 29 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of Chao (US 2004/0128355) hereinafter *Chao*. Claims 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *Chao* as applied to claims 29 and 40 above, and further in view of *RFC 2017*. Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of NNTP (S. Barber, January 2002). Claims 12-16, 48 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of Lewis (US 2003/0109271) hereinafter *Lewis*. Claim 49 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *Lewis* and Yost (US 6,260,050) hereinafter *Yost*.

[2] Support for the amendments to the claims is found throughout the original filed specification and previously presented claims, including but not limited to paragraphs [0011] – [0016], [0031], [0032], [0041] - [0043], [0044] – [0050], [0051] – [0072], [0073], [0074] – [0082], [0083], [0089], [0092] – [0094], [0097] and Figures 1-6.

Server software converts an incoming document request into the appropriate format that is required by the outgoing client display device. (*Guck 2*, Col. 4, ll. 17-30). *Guck 2* further describes that a file can be utilized "as if it were available" in "other formats". (*Guck 2*, Col. 7, ll. 20-21 and 51). However, this section of *Guck* 2 also describes that each different format includes creation of a separate shadow file dedicated to a specified formation. (*Guck 2*, Col. 7, ll. 28-36 and ll. 46-53).

Lewis describes translating a message into a common format. (para. [0161]).

However, the cited art fails to teach or suggest:

...

an act of making the message item compatible with the plurality of different message protocols, including for each different message protocol in the plurality of different message protocols:

an act of attaching protocol specific data fields from at least one protocol specific extension schema to the message item to make the plurality of linked content portions compatible with the message protocol, each protocol specific extension accounting for any properties that are not common between the plurality of different message protocols; and

an act of assigning values to the protocol specific data fields;

an act of making the message item compatible with the plurality of different message applications, including for each different message application in the plurality of different message applications:

an act of attaching application specific data fields from at least one application specific extension to the message item to make the plurality of linked content portions compatible with the message application, each application specific extension schema accounting for properties that are not common between the plurality of different message applications; and

an act of assigning values to properties of the at least one application specific extension; and

an act of assigning values to at least one general property that is common between two different messaging extensions.

as recited in claims 1 and 44. For at least this reason, claims 1 and 44 patentably define over the art of record. Since all remaining claims depend from either claim 1 or 44, all of the remaining claims also patentable define over the art of record at least for the same reason as claim 1 or 44.

Further, many of depend claims independently distinguish over the art of record. For example, the cited art fails to teach or suggest:

> an act of, subsequent to message creation, accessing the message item;
>
> an act of the processor snapping on data fields from a further message extension schema to the message item, the data fields defined in the further message extension schema having one or more new properties that are to be associated with the message item to facilitate compatibility with an additional message protocol or an additional message application;
>
> an act of retrieving at least one value from one or more other data fields attached to the message; and
>
> an act of assigning the retrieved at least one value to at least one of the snapped on data fields to make the message item compatible with the additional message protocol or the additional message application such that the message item contains data making it compatible with the plurality of different message protocols, the plurality of different message applications, and the additional message protocol or the additional message application.

as recited in claims 12, and 45. For at least this further reason, claims 12 and 45 patentably define over the art of record.

Claim 44 is amended to recite a "computer storage device". Applicants submit that this ties claim 44 to hardware. Accordingly, Applicants respectfully request that the rejections under 35 USC 101 be withdrawn.

The claims are also amended to particularly point out and distinctly claim what application regards as the invention. Accordingly, Applicants respectfully request that the rejections under 35 USC 112, second paragraph, be withdrawn.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending

application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required reason why one of ordinary skill in the art would have modified the cited references in the manner officially noticed.[3]

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 1st day of October, 2010.

Respectfully submitted,

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[3] Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.